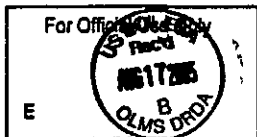


FORM LM-30

LABOR ORGANIZATION OFFICER AND EMPLOYEE REPORT

This report is mandatory under P L 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U S C 439 or 440



READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT.

1 File Number U - <u>9319</u>	2 Fiscal Year Covered From <u>1</u> / <u>1</u> / <u>2004</u> Through <u>12</u> / <u>31</u> / <u>2004</u>
3 Name and address of person filing Name <u>ANIBAL G. SCUADRONI</u> P O Box, Bldg, Room No, if any <u>P.O. Box 2641</u> Street _____ City <u>NEWBURGH</u> State <u>NEW YORK</u> ZIP Code + 4 <u>12550</u>	4 Name, file number, and address of labor organization Name <u>IUPAT DISTRICT COUNCIL No. 9 AFL-CIO</u> Labor Organization File Number <u>006-770</u> P O Box, Building and Room Number, if any _____ Street <u>45 WEST 14th STREET</u> City <u>NEW YORK</u> State <u>NEW YORK</u> ZIP Code + 4 <u>10011-7419</u>
5. Position in labor organization <u>ORGANIZER</u>	

Enter appropriate data below if, during the past fiscal year, you or your spouse or minor child directly or indirectly had any of the following interests (except as specified in the exclusions set forth in the instructions):

A. Held an interest in, engaged in transactions (including loans) with, or derived income or other economic benefit of monetary value from an employer whose employees your organization represents or is actively seeking to represent	
6 Name and address of Employer (including trade name, if any) Name _____ Trade Name, if any: _____ P O Box, Bldg, Room No, if any _____ Street _____ City _____ State _____ ZIP Code + 4 _____	7 a Nature of Interest, Transaction, or Income. <u>NONE</u> 7 b Amount. <u>\$0</u>

Signature

15. Signature and verification. The undersigned declares, under penalty of Perjury and other applicable penalties of the law, that all of the information submitted in this report (including the information contained in any accompanying documents), has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete (See the section on penalties in the instructions)

Signed

A. G. Scudroni

On

8-15-05

Date

212-255-2950

Telephone Number

Name of Person Filing ANIBAL G. SCUADRONI	File Number U-
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B Held an interest in or derived income or economic benefit with monetary value from a business (1) a substantial part of which consists of buying from, selling or leasing to, or otherwise dealing with the business of an employer whose employees your labor organization represents or is actively seeking to represent, or (2) any part of which consists of buying from or selling or leasing directly or indirectly to, or otherwise dealing with your labor organization or with a trust in which your labor organization is interested.

8 Name and address of Business (including trade name, if any) Name _____ Trade Name, if any _____ P O Box, Bldg, Room No, if any _____ Street _____ City _____ State _____ ZIP Code + 4 _____	9 Business deals with <input type="checkbox"/> a Labor Organization <input type="checkbox"/> b Trust <input type="checkbox"/> c Employer
10 If 9 b or 9 c is checked give trust or employer's name Name _____ Trade Name, if any _____ P O Box, Bldg, Room No, if any _____ Street _____ City _____ State _____ ZIP Code + 4 _____	11 a Nature of such dealing <div style="border: 1px solid black; padding: 5px; text-align: center; font-size: 1.2em;">NONE</div> 11 b Approximate dollar value of such dealing \$0 12 a Nature of interest held or income received <div style="border: 1px solid black; padding: 5px; text-align: center; font-size: 1.2em;">NONE</div> 12 b Amount. \$0

C Received from any employer (other than an employer covered under parts A and B above) or from any labor relations consultant to an employer any payment of money or other thing of value	
13 a Name and address of Employer or Labor Relations Consultant (including trade name, if any) Name _____ Trade Name, if any _____ P O Box, Bldg, Room No, if any _____ Street _____ City _____ State _____ ZIP Code + 4 _____	14 a Nature of payment <div style="border: 1px solid black; padding: 5px; text-align: center; font-size: 1.2em;">NONE</div> 14 b Amount of payment \$0
13 b Is the Business an Employer or Consultant ?	

Public reporting burden for this collection of information is estimated to average 35 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. Reporting of this information is mandatory and is required by the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), for the purpose of public disclosure. As this is public information, there are no assurances of confidentiality. If you have any comments regarding this estimate or any other aspect of this information collection, including suggestions for reducing this burden, please send them to the U.S. Department of Labor, Employment Standards Administration, Office of Labor-Management Standards, Division of Interpretations and Standards, Room N-5605, 200 Constitution Avenue, NW, Washington, DC 20210.

DO NOT SEND YOUR COMPLETED FORM LM-30 TO THE ABOVE ADDRESS.

INSTRUCTIONS FOR FORM LM-30 LABOR ORGANIZATION OFFICER AND EMPLOYEE REPORT

GENERAL INSTRUCTIONS

I. WHY FILE

The Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), requires public disclosure of certain financial transactions and financial interests of labor organization officers and employees and their spouses and minor children. Pursuant to section 202 of the LMRDA, every labor organization officer or employee (other than an employee performing clerical or custodial services exclusively) who has engaged in any such transaction or has any such interest during the fiscal year must file a detailed report with the Secretary of Labor. The Secretary, under the authority of the LMRDA, has prescribed the filing of the Labor Organization Officer and Employee Report, Form LM-30, for officers and employees of labor organizations to satisfy this reporting requirement.

The reporting requirements of the LMRDA and of the regulations and forms issued under the Act only relate to the disclosure of specified financial transactions and interests. The reporting requirements do not address whether such economic interests are lawful or unlawful. The fact that a particular financial transaction or interest is or is not required to be reported is not indicative of whether it is or is not subject to any legal prohibition; this must be tested by provisions of law other than those prescribing the reports.

II. WHO MUST FILE

Any officer or employee of a labor organization (other than an employee performing clerical or custodial services exclusively), as defined by the LMRDA, must file Form LM-30 *if*, during the past fiscal year, the officer or employee, or his/her spouse or minor child, either directly or indirectly, held any legal or equitable interest or engaged in any transactions (including loans) of the type described in Section 202 of the LMRDA.

NOTE: *Selected definitions from the LMRDA follow these instructions.*

III. WHAT MUST BE REPORTED

The types of financial transactions and interests which must be reported are set forth in Form LM-30. The LMRDA states that every officer or employee of a labor organization must file a detailed report with the Secretary of Labor listing and describing certain financial transactions engaged in, and interests held by, the officer or employee or his/her spouse or minor child: (1) legal and equitable interests in, transactions with, and economic benefits from an employer whose employees his/her union represents or seeks to represent; (2) legal and equitable interests in, transactions with, and economic benefits from certain businesses which deal with the business of the employer whose employees the union represents or seeks to represent, or which deals with the union or a trust in which the labor organization is interested; and (3) certain income and other economic benefits received from any employer or labor relations consultant.

Special Reports. In addition to this report, the Secretary may require officers and employees subject to the LMRDA to submit special reports on relevant information, including but not necessarily confined to reports on the matters referred to under the exclusions in Part A, subsections ii and iv, and Part C, subsections ii and iii.

IV. WHO MUST SIGN THE REPORT

The labor organization officer or employee must sign the completed Form LM-30.

V. WHEN TO FILE

Each labor organization officer or employee, as defined in the LMRDA, if he/she or his/her spouse or minor child has held any of the interests or engaged in any of the transactions set forth in this form and the instructions must file Form LM-30 *within 90 days* after the end of his/or her fiscal year. If, however, you were an officer or employee for only a portion of the fiscal year, you may limit this report to that portion of the fiscal year.

VI. WHERE TO FILE

The completed Form LM-30 and any additional pages must be mailed to the following address: _____

U.S. Department of Labor
Employment Standards Administration
Office of Labor-Management Standards
200 Constitution Avenue, NW, Room N-5616
Washington, DC 20210

VII. PUBLIC DISCLOSURE

Pursuant to the LMRDA, the U.S. Department of Labor is required to make all submitted reports available for public inspection. You may examine the Form LM-30 reports at, and purchase copies from, the OLMS Public Disclosure Room at the address listed in Section VI, or at the OLMS field office in whose jurisdiction the reporting officer or employee is located. At the end of these instructions is a list of OLMS field offices.

VIII. OFFICER AND EMPLOYEE RESPONSIBILITIES AND PENALTIES

The labor organization officer or employee required to sign Form LM-30 is personally responsible for its filing and accuracy. Under the LMRDA, this individual is subject to criminal penalties for willful failure to file a required report and/or for false reporting. False reporting includes making any false statement or misrepresentation of a material fact while knowing it to be false, or for knowingly failing to disclose a material fact in a required report or in the information required to be contained in it or in any information required to be submitted with it.

The reporting labor organization officer or employee required to sign Form LM-30 is also subject to civil prosecution for violations of filing requirements. Section 210 of the LMRDA provides that, "whenever it shall appear that any person has violated or is about to violate any of the provisions of this title, the Secretary may bring a civil action for such relief (including injunctions) as may be appropriate."

IX. RECORDKEEPING

The individual required to file Form LM-30 is responsible for maintaining records which must provide in sufficient

detail the information and data necessary to verify the accuracy and completeness of the report. You must retain the records for at least 5 years after the date the report is filed. You must retain any record necessary to verify, explain, or clarify the report including, but not limited to, vouchers, worksheets, receipts, and applicable resolutions.

X. COMPLETING FORM LM-30

Read the instructions carefully before completing Form LM-30.

Information Entry. Entries on the report should be typed or clearly printed in black ink. Do not use a pencil or any other color ink.

Entering Dollars. In all items dealing with monetary values, report amounts in dollars only, do not enter cents. Round cents to the nearest dollar. Enter a single "0" in the boxes for reporting dollars if you have nothing to report.

Additional Pages. If you need additional space to complete an item, include the additional information on a separate letter-size (8.5 x 11) page(s), indicating the number of the item to which the information applies. Print clearly at the top of each attached page the following information: (1) full name of the reporting labor organization officer or employee, (2) his/her 5-digit file number as reported in Item 1, if available, and (3) the ending date of the reporting period as reported in Item 2. All attachments must be labeled sequentially 1 of __, 2 of __, etc.

INFORMATION ITEMS 1 - 5

1. FILE NUMBER—Enter the five-digit file number assigned by OLMS for the reporting officer or employee. Officers or employees who filed an LM-30 prior to October 2003 received four-digit file numbers. OLMS has now expanded file numbers to five digits. Place a zero in front of your old four-digit file number to meet the new format requirement. For example, if your old file number was 1234, enter 01234 in Item 1 of this year's report. If you have never previously filed the Form LM-30, leave Item 1 blank.

2. FISCAL YEAR—Enter the beginning and ending dates of the fiscal year covered in this report. This will normally be the same date as the end of the year for which the person filing this report files his/her Federal income tax return. This LM-30 must not cover more than a 12-month period. For example, if the reporting person's 12-month fiscal year begins on January 1 and ends on December 31, do not enter a date beyond the 12-month period, such as January 1 to January 1, this is an invalid date entry.

3. NAME AND MAILING ADDRESS OF PERSON

FILING—Enter the full name of the reporting officer or employee and the complete address where mail should be sent and received, including any building and room number

4. NAME AND ADDRESS OF LABOR

ORGANIZATION—Enter the full name of the labor organization (including local number, if any) of which the reporting individual is an officer or employee, the labor organization's file number, and the complete business address of the labor organization where mail should be sent and received, including any building and room number. If you can not obtain the file number of the labor organization, contact the nearest OLMS field office listed at the end of these instructions

5. POSITION IN LABOR ORGANIZATION—Enter your position in the labor organization. For example, if you are an officer of the labor organization, state your official title.

GENERAL INSTRUCTIONS FOR REPORTABLE TRANSACTIONS AND INTERESTS PARTS A, B, AND C

NOTE: The union officer or employee must report only if, during the past fiscal year, he/she or his spouse or minor child, directly or indirectly: (1) held an interest; (2) engaged in a transaction; or (3) received income, payment or other economic benefit with monetary value covered by the Act. You do not have to report any sporadic or occasional gifts, gratuities, or loans of insubstantial value, given under circumstances or terms unrelated to the recipient's status in a labor organization, or anything excluded in the specific instructions in Parts A, B, or C below.

If more than one employer, business, trust in which your labor organization is interested, or labor relations consultant is involved in the answers to the same Part A, B, and/or C of Form LM-30, complete a separate Part A, B, or C for each employer, business, trust, and/or labor relations consultant. For example, if you (or your spouse or minor child) held stock in three (3) businesses which have lease agreements with your labor organization, then you must submit three Part Bs (one part B for each business) with this report. Do not submit separate LM-30 reports; only attach separate part As, Bs, or Cs to this report.

Similarly, if more than one interest, transaction, or income or other benefit is involved in the answers to the same Part A, B, and/or C of Form LM-30, complete a separate Part A, B, or C for each such interest, transaction, or income or other benefit. For example, if you received income and a loan from a business which has a lease agreement with your labor organization,

then you must submit two Part Bs (one part B for each transaction) with this report. Do not submit separate LM-30 reports, only attach separate Part As, Bs, or Cs to this report.

PART A (ITEMS 6 AND 7)

Complete Part A if you (1) held an interest in, (2) engaged in transactions (including loans) with, or (3) derived income or other economic benefit of monetary value from, an employer whose employees your organization represents or is actively seeking to represent. Complete a separate Part A for each such employer and for each such interest, transaction, or item of income or other economic benefit connected with that employer.

However, Part A excludes, and you are not required to answer Items 6 or 7, with respect to the following.

- (i) **Holdings of, transactions in, or income from**, bona fide investments in securities traded on a securities exchange registered as a national securities exchange under the Securities Exchange Act of 1934, in shares in an investment company registered under the Investment Company Act of 1940, or in securities of a public utility holding company registered under the Public Utility Holding Company Act of 1935;
- (ii) **Holding of, transactions in, or income from**, securities not listed or registered as described under the exclusion above, provided any such holding, or transaction, or receipt of income is of insubstantial value or amount and occurs under terms unrelated to your status in a labor organization. For purposes of this exclusion, holdings or transactions involving \$1,000 or less and receipt of income of \$100 or less in any one security shall be considered insubstantial;
- (iii) **Transactions involving purchases and sales of** goods and services in the regular course of business at prices generally available to any employee of the employer. This does not apply to transactions involving stocks, bonds, securities or loans, for example;
- (iv) **Payments and benefits received as a bona fide employee of the employer for past or present services**, including wages, payments or benefits received under a bona fide health, welfare, pension, vacation, training or other benefit plan; and payments for periods in which such employee engaged in activities other than productive work, if the payments for such period of time are: (a) required by law or a

bona fide collective bargaining agreement, or
(b) made pursuant to a custom or practice
under such a collective bargaining agreement,
or (c) made pursuant to a policy, custom, or
practice with respect to employment in the
establishment which the employer has adopted
without regard to any holding by such
employee of a position with a labor
organization

6. NAME AND ADDRESS OF EMPLOYER—Enter the
name and address of the employer (including trade or
commercial name, if any, such as d/b/a or "doing
business as" name) with whom the interest,
transaction, or economic benefit was connected.

**7. NATURE AND AMOUNT OF INTEREST,
TRANSACTION OR INCOME**— Provide full
information as to the nature and amount of each
interest, transaction, or item of income or other
economic benefit which is not excluded from reporting.
Enter in Item 7.a. the nature of the interest, transaction,
or item of income or other economic benefit in the detail
set forth below. Enter in Item 7.b. the amount involved
in each interest, transaction, or item of income or other
economic benefit in the detail set forth below, and the
date(s) any income or other economic benefit was
received

- (a) **Interests held or transactions in stocks,
bonds, securities, or other equitable or legal
interests:**

For each such interest and transaction, identify the
nature of the interest held (for example, common
stock, preferred stock, bonds, options, etc.) and
give the total number of shares or other units held
during the fiscal year. If the interest was acquired
during the fiscal year or if this is your first report,
give an approximate date or dates of acquisition,
total cost to you, and manner of acquisition (for
example, employee stock purchase plan, purchase
on market, gift, etc.). If the interest was disposed of
during the fiscal year, give an approximate date,
total amount received by you and the manner of
disposition (for example, sale on market, gift,
exchange, etc.). In each case, identify the other
party or parties to the transaction.

- (b) **Other transactions** involving (1) any loan to
or from the employer, (2) any business
transaction or arrangement (for example,
purchases and sales of goods and services
not excluded under (iii) above; rentals, credit
arrangements, franchises, or contracts, etc.):

For each such transaction, identify the nature of the
transaction and the property involved (for example,
loan of money from employer, rental of loft building,

located at X street, Y City, Z State, to employer,
etc.) and state:

- (1) the total dollar amount you paid or received
during the fiscal year (for example, amount of a
loan, rent, sale, etc.);
 - (2) the dollar value of remaining obligation, if any,
by the end of the fiscal year (for example,
unpaid balance of a loan, rentals due pursuant
to a lease, amount due under a contract, etc.);
 - (3) the date transaction was entered into and the
date it was terminated, if any;
 - (4) the terms and conditions of the transaction (for
example, unsecured loan under employer loan
plan payable over one year, discount
purchases of goods, sale and lease back one
year, etc.);
 - (5) names and addresses of intermediate parties
involved in any indirect transactions (for
example, loans made to you in the name of
another, etc.).
- (c) **Income or payment** or other economic benefit
with monetary value (including reimbursed
expenses)

For each such item of income or other economic
benefit, identify the nature of the income or benefit
(for example, continuing use of automobile for
personal purposes, gift of refrigerator, payment for
services not excluded above, etc.). State the
amount or value of the income or benefit and the
date you, your spouse, or minor child derived it.

PART B (ITEMS 8 - 12)

Complete Part B if you held an interest in or derived
income or other economic benefit with monetary value,
including reimbursed expenses, from a business (1) a
substantial part of which consists of buying from,
selling or leasing to, or otherwise dealing with the
business of an employer whose employees your labor
organization represents or is actively seeking to
represent, or (2) any part of which consists of buying
from or selling or leasing directly or indirectly to, or
otherwise dealing with your labor organization or with a
trust in which your labor organization is interested.
Complete a separate Part B for each such business
and for each such interest or item of income or benefit
connected with that business.

However, Part B excludes, and you are not required to
answer Items 8 - 12, with respect to the exclusions set
forth in (i) and (ii) in the instruction under Part A above.

8. NAME AND ADDRESS OF BUSINESS—Enter the name and address of the business (including trade or commercial name, if any, such as "d/b/a" or doing business as name) the interest, transaction or economic benefit was connected.

9 AND 10. WITH WHOM THE BUSINESS DEALS—Select the appropriate box describing the type of organization with which the business (referred to in Item 8) dealt. If you select 9.b. or c, enter the full name of each employer or trust in Item 10.

11.a. NATURE OF DEALINGS—Enter the nature of the dealing(s), during the fiscal year covered in this report, between the business and the organization indicated in Items 9 and 10, if this information is ascertainable by you

11.b. VALUE OF DEALINGS—Enter the approximate dollar value of the dealing(s), during the fiscal year covered in this report, between the business and the organization indicated in Items 9 and 10, if this information is ascertainable by you.

12.a. NATURE OF INTEREST HELD OR INCOME RECEIVED—Enter the nature of each interest held or income or other economic benefit covered by Part B, including the applicable information set forth in the instructions to Item 7(a) and (c) above.

12.b. AMOUNT OF INTEREST HELD OR INCOME RECEIVED—Enter the approximate dollar amount of each interest held or income or other economic benefit covered by Part B, including the applicable information set forth in the instructions to Item 7(a) and (c) above.

PART C (ITEMS 13 AND 14)

Complete Part C if you received from any employer _____ (other than an employer covered under Parts A and B above), or from any labor relations consultant to an employer, any payment of money or other thing of value. Complete a separate Part C for each such employer and labor relations consultant and for each such payment.

However, Part C excludes, and you are not required to answer Items 13 and 14, with respect to:

- (i) Payments of the kind referred to in Section 302(c) of the Labor Management Relations Act of 1947, as amended (LMRA). The text of Section 302 (c) of the LMRA is set forth below.

- (ii) Bona fide loans, interest or dividends from national or state banks, credit unions, savings or loan associations, insurance companies, or other bona fide credit institutions.
- (iii) Interest on bonds or dividends on stock, provided such interest or dividends are received, and such bonds or stock have been acquired, under circumstances and terms unrelated to the recipient's status in a labor organization and the issuer of such securities is not an enterprise in competition with the employer whose employees your labor organization represents or actively seeks to represent

Regardless of the exclusions above, information that must be reported under Part C includes the following payments (from any employer not covered by Parts A or B or from any labor relations consultant to an employer): (1) not to organize employees; (2) to influence employees in any way with respect to their rights to organize; (3) to take any action with respect to the status of employees or others as members of a labor organization; and (4) to take any action with respect to bargaining or dealing with employers whose employees your organization represents or seeks to represent.

13.a. NAME AND ADDRESS OF BUSINESS—Enter the name and address of the employer or labor relations consultant (including trade or commercial name, if any, such as d/b/a or "doing business as" name), from whom the payment in Part C was received.

13.b. TYPE OF BUSINESS—Select the appropriate box indicating whether the entity which made the payment is an employer or labor relations consultant

14.a. NATURE OF PAYMENT—For each payment under Part C not excluded above, identify the nature of the income or benefit (for example, continuing use of automobile for personal purposes, gift of refrigerator, payment for services not excluded above, etc.). List the date you received the income or benefit

14.b. AMOUNT OF PAYMENT—State the amount or value of the income or benefit.

SIGNATURE

15. SIGNATURE—The completed Form LM-30 which is filed with OLMS must be signed by the reporting person (officer or employee of the labor organization) Enter the telephone number used by the signatory to conduct official business You do not have to report a private unlisted telephone number.

SELECTED DEFINITIONS FROM THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959, AS AMENDED (LMRDA)

SEC. 3. For the purposes of titles I, II, III, IV, V (except section 505), and VI of this Act-

- (a) "Commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.
- (b) "State" includes any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (43 U S C 1331-1343).
- (c) "Industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.
- (d) "Person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, or receivers.
- (e) "Employer" means any employer or any group or association of employers engaged in an industry affecting commerce
 - (1) which is, with respect to employees engaged in an industry affecting commerce, an employer within the meaning of any law of the United States relating to the employment of any employees or
 - (2) which may deal with any labor organization concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and includes any person acting directly or indirectly as an employer or as an agent of an employer in relation to an employee but does not include the United States or any corporation wholly owned by the Government of the United States or any State or political subdivision thereof.
- (f) "Employee" means any individual employed by an employer, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice or because of exclusion or expulsion from a labor organization in any manner or for any reason inconsistent with the requirements of this Act
- (g) "Labor dispute" includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee
- (h) Not applicable.
- (i) "Labor organization" means a labor organization engaged in an industry affecting commerce and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization, other than a State or local central body.
- (j) A labor organization shall be deemed to be engaged in an industry affecting commerce if it--
 - (1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended; or
 - (2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees or an employer or employers engaged in an industry affecting commerce; or
 - (3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2), or
 - (4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or
 - (5) is a conference, general committee, joint or system board, or joint council, subordinate to a national or international labor organization,

which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection, other than a State or local central body.

- (k) Not applicable
- (l) Not applicable.
- (m) "Labor relations consultant" means any person who, for compensation, advises or represents an employer, employer organization, or labor organization concerning employee organizing, concerted activities, or collective bargaining activities.
- (n) "Officer" means any constitutional officer, any person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body.
- (o) Not applicable.
- (p) Not applicable
- (q) "Officer, agent, shop steward, or other representative," when used with respect to a labor organization, includes elected officials and key administrative personnel, whether elected or appointed (such as business agents, heads of departments or major units, and organizers who exercise substantial independent authority), but does not include salaried non-supervisory professional staff, stenographic, and service personnel.

NATIONAL LABOR RELATIONS ACT, AS AMENDED

Section 8 "(c) The expressing of any views, argument, or opinion or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit."

RELATED PROVISIONS OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959, AS AMENDED (LMRDA)

Report of Officers and Employees of Labor Organizations

SEC. 202 (a) Every officer of a labor organization and every employee of a labor organization (other than an employee performing exclusively clerical or custodial services) shall file with the Secretary a signed report listing and describing for his preceding fiscal year--

(1) any stock, bond, security, or other interest, legal or equitable, which he or his spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value (including reimbursed expenses) which he or his spouse or minor child derived directly or indirectly from, an employer whose employees such labor organization represents or is actively seeking to represent, except payments and other benefits received as a bona fide employee of such employer;

(2) any transaction in which he or his spouse or minor child engaged, directly or indirectly, involving any stock, bond, security, or loan to or from, or other legal or equitable interest in the business of an employer whose employees such labor organization represents or is actively seeking to represent,

(3) any stock, bond, security, or other interest, legal or equitable, which he or his spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value (including reimbursed expenses) which he or his spouse or minor child directly or indirectly derived from, any business a substantial part of which consists of buying from, selling or leasing to, or otherwise dealing with, the business of an employer whose employees such labor organization represents or is actively seeking to represent,

(4) any stock, bond, security, or other interest, legal or equitable, which he or his spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value (including reimbursed expenses) which he or his spouse or minor child directly or indirectly derived from, a business any part of which consists of buying from, or selling or leasing directly or indirectly to, or otherwise dealing with such labor organization;

(5) any direct or indirect business transaction or arrangement between him or his spouse or minor child and any employer whose employees his organization represents or is actively seeking to represent, except work performed and payments and benefits received as a bona fide employee of such employer and except purchases and sales of goods or services in the regular course of business at prices generally available to any employee of such employer; and

(6) any payment of money or other thing of value (including reimbursed expenses) which he or his spouse or minor child received directly or indirectly from any employer or any person who acts as a labor relations consultant to an employer, except payments of the kinds referred to in section 302(c) of the Labor Management Relations Act, 1947, as amended.

(b) The provisions of paragraphs (1), (2), (3), (4), and (5) of subsection (a) shall not be construed to require any such officer or employee to report his bona fide investments in securities traded on a securities exchange registered as a national securities exchange under the Securities Exchange Act of 1934, in shares in an investment company registered under the Investment Company Act or in securities of a public utility holding company registered under the Public Utility Holding Company Act of 1935, or to report any income derived therefrom.

(c) Nothing contained in this section shall be construed to require any officer or employee of a labor organization to file a report under subsection (a) unless he or his spouse or minor child holds or has held an interest, has received income or any other benefit with monetary value or a loan, or has engaged in a transaction described therein

SECTION 302(c) OF THE LABOR MANAGEMENT RELATIONS ACT, 1947, AS AMENDED

"(c) The provisions of this section shall not be applicable (1) in respect to any money or other thing of value payable by an employer to any of his employees whose established duties include acting openly for such employer in matters of labor relations or personnel administration or to any representative of his employees, or to any officer or employee of a labor organization, who is also an employee or former employee of such employer, as compensation for, or by reason of, his service as an employee of such employer, (2) with respect to the payment or delivery of any money or other thing of value in satisfaction of a judgment of any court or a decision or award of an arbitrator or impartial chairman or in compromise, adjustment, settlement, or release of any claim, complaint, grievance, or dispute in the absence of fraud or duress; (3) with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business; (4) with respect to money deducted from the wages of employees in payment of membership dues in a labor organization: Provided, That the employer has received from each employee, on whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of the applicable collective agreement, whichever occurs sooner; (5) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents) Provided, That (A) such payments are held in trust for the purpose of

paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance, (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund together with such neutral persons as the representatives of the employers and the representatives of employees may agree upon and in the event of the employer and employee groups deadlock on the administration of such fund and there are no neutral persons empowered to break such deadlock, such agreement provides that the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement, and (C) such payments as are intended to be used for the purpose of providing pensions or annuities for employees are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions or annuities; or (6) with respect to money or other thing of value paid by any employer to a trust fund established by such a representative for the purpose of pooled vacation, holiday, severance or similar benefits, or defraying costs of apprenticeship or other training programs: Provided, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds, (7) with respect to money or other thing of value paid by any employer to a pooled or individual trust fund established by such representative for the purpose of (A) scholarships for the benefit of employees, their families, and dependents for study at educational institutions, or (B) child care centers for preschool and school age dependents of employees. Provided, That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice: Provided further, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds, (8) with respect to money or any other thing of value paid by any employer to a trust fund established by such representative for the purpose of defraying the costs of legal services for employees, their

families, and dependents for counsel or plan of their choice. Provided, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds. Provided further, That no such legal services shall be furnished. (A) to initiate any proceeding directed (i) against any such employer or its officers or agents except in workman's compensation cases, or (ii) against such labor organization, or its parent or subordinate bodies, or their officers or agents, or (iii) against any other employer or labor organization, or their officers or agents, in any matter arising under the National Labor Relations Act, as amended, or this Act; and (B) in any proceeding where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1959, or (9) with respect to money or other things of value paid by an employer to a plant, area or industry-wide labor management committee established for one or more of the purposes set forth in section 5(b) of the Labor Management Cooperation Act of 1978."

If You Need Assistance

The Office of Labor-Management Standards has field offices located in the following cities to assist you if you have any questions concerning LMRDA and CSRA reporting requirements.

Atlanta, GA
Birmingham, AL
Boston, MA
Buffalo, NY
Chicago, IL
Cincinnati, OH
Cleveland, OH
Dallas, TX
Denver, CO
Detroit, MI
Grand Rapids, MI
Guaynabo, PR
Honolulu, HI
Houston, TX
Kansas City, MO
Los Angeles, CA
Miami (Ft. Lauderdale), FL
Milwaukee, WI
Minneapolis, MN
Nashville, TN
New Haven, CT
New Orleans, LA
New York, NY
Newark (Iselin), NJ
Philadelphia, PA
Pittsburgh, PA
St. Louis, MO
San Francisco, CA
Seattle, WA
Tampa, FL

Washington, DC

Consult local telephone directory listings under United States Government, Labor Department, Office of Labor-Management Standards, for the address and telephone number of the nearest field office.

Copies of labor organization annual financial reports, employer reports, and labor relations consultant reports filed for the year 2000 and after can be viewed and printed at <http://www.union-reports.dol.gov>. Copies of reports for the year 1999 and earlier can be ordered through the website.

Information about OLMS, including key personnel and telephone numbers, compliance assistance materials, the text of the LMRDA, and related Federal Register and Code of Federal Regulations (CFR) documents, is also available on the Internet at:

<http://www.olms.dol.gov>